

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

FILED  
IN CLERKS OFFICE  
2004 JUN -8 A 10:11

Diane Simmons, et al.

Plaintiffs,

v.

Indevus Pharmaceuticals, Inc., F/K/A Interneuron  
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American Home  
Products Corporation; Wyeth Pharmaceuticals, Inc. F/K/A  
Wyeth-Ayerst Pharmaceuticals, Inc., A Division of American  
Home Products Corporation; and Boehringer Ingelheim  
Pharmaceuticals, Inc.

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION

NO. \_\_\_\_\_

04 11257 GAO

**NOTICE OF ORDER REFERRING REMAND MOTIONS IN  
DIET DRUG CASES TO A SINGLE JUDGE FOR DECISION**

This case is one of over 200 diet drug cases originally filed on behalf of approximately 4,500 plaintiffs in state court in Middlesex County, Massachusetts. Wyeth is in the process of removing all of these diet drug cases to the federal court.

In the first of these cases -- *Andrus, et al v. Indevus Pharm., Inc., et al.* -- Wyeth filed a Notice of Removal on May 7, 2004. Because the anticipated remand motions in *Andrus* and this and the other diet drug cases likely will raise similar, if not identical issues, Wyeth filed in *Andrus* a Motion to Refer Decision of Remand Motions in All Diet Drug Cases to a Single Judge for Decision. On May 19, 2004, the court (O'Toole, J.) entered an order granting Wyeth's motion.

Respectfully submitted this 8<sup>th</sup> day of June, 2004.

/s/ Janice W. Howe  
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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served Notice of Order Referring Remand Motions in Diet Drug Cases to a Single Judge for Decision upon all parties to the above-captioned action by hand, by United States First Class Mail, postage prepaid, or by Federal Express to the following:

**By Hand**

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This 8<sup>th</sup> day of June, 2004.

/s/ Janice W. Howe

Janice W. Howe  
*Counsel for Defendants Wyeth  
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